

# **FISCAL NOTE**

## **SB 2853 - HB 3222**

March 2, 2000

**SUMMARY OF BILL:** Amends TCA 28-2-1 by adding a new section which makes all statutory and common law relative to adverse possession apply to all railroads from 25 feet from the centerline of the railroad track of such railway.

### **ESTIMATED FISCAL IMPACT:**

#### **MINIMAL**

Estimate assumes:

- A private citizen that gains access to property located on the railroad right-of-way through adverse possession would be assessed local government property tax. However, revenues derived from the property tax is estimated to be minimal.
- One known case where such property located on the railroad right-of-way has been acquired by a citizen through the adverse possession process.
- Private companies that own railroads would have seven years to remove anyone currently on their rights-of-way from the date of enactment of the bill.

*For informational purposes, there are approximately 17 short line railroads in the state that would be impacted by passage of the bill into law; 13 are owned by railroad authorities and four are owned by private companies.*

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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